

ARGENTINA PROJECT (S20000044)

U.S. DEPT. OF STATE, A/RPS/IPS

Margaret P. Grafield, Director

(X) Release () Excise () Deny

Exemption(s):

Declassify: () In Part (X) In Full DECONTROL

() Classify as () Extend as () Downgrade to

Date _____ Reason _____

UNCLASSIFIED

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 DE RUESDO #2073 1771745
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 FM AMEMBASSY MONTEVIDEO
 TO RUEHC/SECSTATE WASHDC 6700
 INFO RUEAS/AMEMBASSY ASUNCION 1460
 RUESSA/AMEMBASSY BUENOS AIRES 7080
 RUESUZ/AMEMBASSY BRASILIA 1827
 RUESSA/AMEMBASSY SANTIAGO 1519
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MONTEVIDEO 2073

E.O. 11652: N/A

TAGS: PGOV, SHUM, UY

SUBJECT: GOU RELEASES DATA ON CASE LOAD OF MILITARY JUSTICE SYSTEM

1. THE GOU ON JUNE 20, IN AN OBVIOUS REACTION TO ABA MISSION RECOMMENDATIONS, ISSUED ITS MOST COMPLETE ACCOUNTING TO DATE OF THE MILITARY JUSTICE SYSTEM'S CASELOAD. SPEAKING BEFORE THE PRESS, COL. FEDERICO SILVA LEDESMA (CHIEF OF THE SUPREME MILITARY TRIBUNAL) ANNOUNCED THAT, IN THEIR SIX YEARS OF OPERATION, MILITARY COURTS HAD PROCESSED 5602 ACCUSED SUBVERSIVES, INCLUDING AN UNSPECIFIED NUMBER OF CASES TRANSFERRED FROM CIVIL COURTS. CHARTES WERE DISMISSED WITHOUT TRIAL, FOR LACK OF EVIDENCE, IN 1182 CASES, OR ABOUT 21 PERCENT. OF THE REMAINING 4420 INDICTED, SENTENCES HAVE BEEN HANDED DOWN SO FAR IN 3146 CASES, OR 71 PERCENT. INTERESTINGLY, OF THIS LATTER TOTAL 2511 WERE ORDERS OF RELEASE -- NOT FURTHER SPECIFIED BUT PRESUMABLY INCLUDING ACQUITTALS AND COMPLETED SENTENCES.

2. ACCORDING TO COL. SILVA, 91 NEW INDICTMENTS HAD BEEN FILED THUS FAR IN 1978; 245 SENTENCES HANDED DOWN; AND A TOTAL OF 254 DETAINEES FREED FOR ALL CAUSES. IN HIS PRESS CONFERENCE, SOLVA MADE SPECIFIC REFERENCE TO THE ABA MISSION, NOTING THAT VISITING JURISTS BUTLER AND REQUE HAD BEEN "AGREEABLY SURPRISED" AT THE RATE AT WHICH THE MILITARY JUSTICE SYSTEM WAS PROCEEDING (ABOUT 900 CASES PER YEAR, WITH 700 FINAL JUDGEMENTS). EXTRAPOLATING FROM SILVA'S FIGURES, THERE ARE 1909 ACCUSED SUBVERSIVES PRESENTLY DETAINED THROUGH THE MILITARY JUSTICE SYSTEM -- 1274 INDICTED AND AWAITING COMPLETION OF TRIAL PROCEEDINGS, PLUS 635 SERVING SENTENCES.

3. COMMENT: TO OUR KNOWLEDGE, SILVA'S FIGURES ARE A COMPLETE AND ACCURATE ACCOUNTING OF THE CASES PROCESSED TO DATE BY THE MILITARY JUSTICE SYSTEM. THESE FIGURES, HOWEVER, DO NOT INCLUDE THOSE WHO ARE STILL IN THE PRELIMINARY INVESTIGATIVE STAGE AND BEING HELD UNDER THE EMERGENCY SECURITY MEASURES (MEDIDAS PRONTAS) OUTSIDE THE MILITARY JUSTICE SYSTEM. THE NUMBER OF SUCH DETAINEES IS UNKNOWN. THE GOU'S SHARPLY REDUCED RECOURSE TO THE MEDIDAS PRONTAS AND THE APPARENT DROPOFF IN ARRESTS THIS YEAR LEAD SOME MEMBERS OF THE MISSION TO ESTIMATE THAT THE NUMBER OF SUCH DETAINEES HAS DECLINED TO LESS THAN ONE HUNDRED, WHILE OTHERS BELIEVE IT MAY BE AS HIGH AS THREE HUNDRED. WE WILL CONTINUE TO URGE THE GOU TO CONFIRM THE NUMBER OF THESE DETAINEES SO THAT AN OFFICIAL TOTAL NUMBER OF PERSONS HELD FOR NATIONAL SECURITY OFFENSES WILL BE AVAILABLE.

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